

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Citizens Protecting Michigan's Constitution v Secretary of State**
Docket No. **286734**

Henry William Saad, Chief Judge, acting under MCR 2.003(C)(3)(a), orders:

Under MCR 2.003(C)(3)(a), if a litigant wishes to disqualify a judge for reasons peculiar to that judge, as Chief Judge of the Court of Appeals, I have the authority to decide the matter de novo. Here, however, in an order issued on August 13, 2008, a panel of this Court ruled as a matter of law that, because all judges of this Court will be subjected to a salary reduction under the proposal, the subset of judges who will lose their positions, also known as the 2010 judges, stand in no different position than any other judge of this Court. Intervening defendant now requests that I decide the disqualification of Judge William C. Whitbeck individually because he is a member of the subset of 2010 judges. The panel ruled that, under the doctrine of necessity, intervening defendant has not effectively distinguished the characteristic that is common to the 2010 judges from the economic or pecuniary interests of the other judges on this Court and, thus, none of the judges of this Court may be disqualified for the reasons asserted in intervening defendant's motion. I do not have jurisdiction to decide this matter because, rather than a question of disqualification peculiar to an individual judge, this is a substantive legal ruling of our Court which, like any other decision, must be redressed through a motion for reconsideration or through an appeal to our Supreme Court.

The motion to file a brief in support of the referral is GRANTED.

H. Saad



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 18 2008

Date

Sandra Schultz Mengel
Chief Clerk